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How The Gun Won

By Joe Klein

'We cannot and will not be passive in the face of such violence,' President Barack Obama said in January 2011, after a deranged gunman shot Congresswoman Gabrielle Giffords and 18 others, killing six. "We should be willing to challenge old assumptions in order to lessen the prospects of such violence in the future." He called for a "national conversation" about "everything from the merits of gun-safety laws to the adequacy of our mental-health system," and he asked that it be conducted with civility. It was a terrific speech, perhaps the best of his presidency. And then ... nothing.

There has been no conversation about either gun control or the mental-health system--even though mass shootings have become a plague since the late 1970s, averaging nearly 20 per year according to James Alan Fox, a professor of criminology, law and public policy at Northeastern University. These rampages mean something, but the meaning is complicated and hard to untangle. The violence has a lot to do with the state of our mental health, the increased mobility and atomization of our society, the time young men in particular spend alone staring into television and computer screens, the comic-book depiction of brutality--and yes, the availability of ever more kinetic weaponry. It is a difficult topic, but as with the conversation we're having about the nature and equity of our economy in this election year, it is all about the transition from the industrial to the information age. The remedies, if any exist, are elusive. The President was right: this was, and is, a subject that needs to be addressed in a mature and subtle way.

And so it was striking, and disappointing, that both Obama and Mitt Romney--and most of a jaded mass media--scurried away from any substantive discussion after alleged gunman James Holmes went on a murderous spree in a Colorado movie theater, shooting 70 and killing 12. Holmes had amassed an arsenal that included a semiautomatic assault rifle and 6,000 rounds of ammunition. Sales of the gun that was originally identified as the shooter's weapon of choice were prohibited during the 10-year life of the 1994 federal assault-weapons ban; they were also prohibited in Massachusetts, after the federal ban expired, by the signature of none other than Governor Romney.

Romney's delinquency on the gun-control segment of this issue is understandable, part of the chameleon

turn he's made to become the nominee of a political party that counts gun-rights advocates as an essential part of its base. But what about Obama? The Democratic Party has historically been the advocate of gun control. Bill Clinton signed into law both the assault-weapons ban, which George W. Bush allowed to lapse in 2004, and the Brady Law, which required background checks of those seeking to purchase handguns. Democratic-leaning constituencies--especially minorities and the poor--remain the primary victims of gun violence. And yet the party has abandoned the gun-control debate, leaving the field to an ever more fanatic National Rifle Association (NRA). It fell to poor Jay Carney, the White House press secretary, to deliver the President's views on the subject: "He believes we need to take steps that protect Second Amendment rights of the American people but that ensure that we are not allowing weapons into the hands of individuals who should not, by existing law, obtain those weapons."

As Obama seeks re-election, it is legitimate to ask why he and his party have accepted the Republican narrative on this issue--why he is standing "passive in the face of such violence."

The right to bear arms is famously enshrined in the U.S. Constitution. It is also enshrined in the American character, inherent in the chesty, libertarian Scots-Irish sensibility that populated the Appalachian backwoods and spread south and west from there. But no right is absolute. No American has the right to own a stealth bomber or a nuclear weapon. Armor-piercing bullets are forbidden. The question is where you draw a reasonable bright line.

In the early 1990s, after an astonishing rise in violent crime that started in the 1960s and peaked following drug-related gang violence during the 1980s, there seemed to be a critical mass for tighter gun laws. A Gallup poll found 78% in favor of more control. A good part of Bill Clinton's pitch--that he was a "different kind of Democrat"--was predicated on his being tough on crime, unlike previous Democrats who had tilted too far toward the "depraved because they're deprived" view of criminals. Clinton proposed to fund 100,000 new police officers during the 1992 campaign and made good on his pledge with the 1994 crime bill, which also included the assault-weapons ban. The bill was controversial because of the ban and some social-work add-ons like money for urban midnight-basketball leagues to keep kids out of trouble. "I remember the President took a call from [House Speaker] Tom Foley and [majority leader] Dick Gephardt, who said that a lot of their members were scared to death of the gun-control portions of the bill," says William Galston, who served on Clinton's domestic-policy team. "But he stood firm on the ban."

The crime bill passed, 216-214, in the House, but only after Indiana Democrat Andrew Jacobs changed his vote. Jacobs was targeted by the NRA in the 1994 congressional elections but held onto his seat. Others weren't so lucky: 54 House Democrats were expunged that year; Republicans took control of the Senate as well. In the Sun Belt, Republicans routinely ran "3-G" campaigns emphasizing the social issues of God, guns and gays. Clinton attributed 20 of the Democrats' lost seats to NRA targeting. In his autobiography, Clinton wrote that the NRA "could rightly claim to have made Gingrich the House Speaker."

This was immediately accepted as political gospel, but the reality was a bit more complicated. Clinton's own

failures, especially his attempt to push health care reform, had a lot to do with the result, as did several of his successes--like his budget plan that raised taxes on the wealthy. "My recollection is that the most important factor [in the rout] was the vote for higher taxes," says Stan Greenberg, who polled for Clinton in 1994. "But the gun issue was crucial in some districts, especially in the South and West."

Clinton had run as a moderate, but he spent his first two years governing like a liberal, or so it seemed in the South. A great many Sun Belt seats that had been redistricted to favor Republicans in 1990 but remained Democratic with Clinton's victory in 1992 were plucked by the GOP in 1994. In any case, it was less painful for Clinton to emphasize the role of the NRA in the election than to acknowledge his mistakes.

Even after the 1994 debacle, the Clinton Administration remained devoted to gun control. "The Clinton people didn't run away," recalls Jim Kessler, who served as legislative aide to Congressman (and later Senator) Chuck Schumer, who became the prime sponsor of most gun-control legislation. "We were able to add domestic violence to the list of criminal behaviors that were covered by the Brady Law. There were other small measures that passed with Administration support. And after the Columbine shootings in 1999, Schumer called the White House about pushing the abolition of the gun-show loophole"--which allowed arms to be sold at "private" events without background checks--"and was told, 'That'll be a great issue for Gore. Let's leave it for 2000.'"

Gore ran full bore on gun control after Columbine, even though he'd been pretty quiet about the issue as a Senator from Tennessee. His primary opponent, Bill Bradley, was a vehement gun-control supporter, "and Gore followed Bradley down that road," Kessler recalls. "They tried to outdo each other and both wound up way out in left field--in favor of licensing gun owners and registering guns, restricting purchases to one gun a month. Gore ran for President on the most radical gun-control platform in American history."

When Gore lost, Clinton was out again saying the NRA had beaten him, especially in Arkansas and Tennessee, and that if he, Clinton, had been allowed to campaign in those two states, Gore would have won. "The NRA was certainly a factor," says Elaine Kamarck, who was Gore's domestic-policy adviser during the campaign. "It was so close in so many states. There were a lot of factors. Ralph Nader was a factor. And a 7% drop in support among married women after the Lewinsky scandal didn't help either."

But after the 1994 and 2000 elections, very few Democrats were going to take any chances on gun control. "This is a classic example of the toughest vote any legislator has to make," says Ted Kaufman, who served as Senator Joe Biden's chief of staff and later as his replacement in the Senate. "You have a situation where, say, 60% of your constituents favor something like gun control, but 20% are so adamantly opposed that they won't vote for you even if they agree with you on other issues. Do you just slam the door on that 20%? That's a high-risk proposition."

Indeed, a vote for gun control became more and more difficult as the NRA gained strength over the past 30 years--from 2.4 million members in 1982 to 4.3 million now--and violent-crime rates dropped and guns

were transformed into a libertarian-conservative symbol of American freedom by Republican messagemakers. Suddenly GOP candidates began to appear in television ads shooting or toting their weapons. It also didn't help that there was no clear evidence that the assault-weapons ban had accomplished anything. According to Fox's statistics, mass shootings continued, only slightly abated, during the 10 years of the ban. In 2003, the next-to-last year of the law, there were a record 30 shootings, with 135 victims. As support sagged and Democrats abandoned the field, the NRA felt free to become more and more extreme in its advocacy. "I resigned my membership," a Pennsylvania gun owner named Donald Dyke told me recently, "because of all this propaganda they were sending me about President Obama. They're saying that if he's re-elected, he's going to take away all our guns." (And indeed, sales of both handguns and sport rifles have spiked during the first half of 2012 in some regions of the country--Texas, for example--because of the belief that Obama would suddenly change course if re-elected.) But even though Obama has almost no chance to win over the NRA's supporters, he has remained silent on the issue, conforming to the political calculus Kaufman described. Every last vote is going to be crucial in swing states like Ohio, Pennsylvania and Virginia, where gun owners predominate.

By the time that Holmes allegedly opened fire in Aurora, Colo., stricter gun-control measures were opposed by a majority of Americans. And conservatives like George Will could argue, without a twinge of doubt, "The killer in Aurora, Colo., was very intelligent and farsighted and meticulous. I defy you to write a gun-control law that would prevent someone like this with a long time horizon and a great planning capability from getting the arms he wants. I just think that this is a mistake."

Will has a point. Holmes had no record of violence. It was impossible to pick him up with existing background checks. Even if there were an assault-weapons ban, he might have found a way to buy his weapon and perhaps even his 6,000 rounds of ammunition on the black market. There is no law that will prevent every crime. But an assault-weapons ban and a more advanced recording system for ammunition purchases (and perhaps, as Daniel Patrick Moynihan once proposed, a tax on ammunition) might prevent some of these crimes. Not every perpetrator is as smart or meticulous as Holmes allegedly was. Some act out of blind, immediate rage. If the shooter had gone into the theater without a semiautomatic weapon, how many fewer would have been wounded? If only one person had escaped injury, the law would be worth it--as would laws, opposed by civil libertarians, that would make it easier to treat and institutionalize violent paranoid-schizophrenics without their permission. (Such a law might have prevented the Giffords shooting.)

In the end, criminal laws have a dual function. They seek to prevent crime, but they also send a message: This is where we draw the line. We do not permit this in our society. We think it is excessive. In this case, there is absolutely no rational or sporting reason for an individual to have a semiautomatic weapon or a gun clip that can fire 50 to 100 rounds at a time. Recent polling by Frank Luntz indicates that despite the NRA's official positions, vast majorities of gun owners favor stricter background checks--including a ban on the sale of guns to persons on the government's terrorist watch list--and gun-safety training, especially for those seeking permits to carry concealed weapons.

As the President said, we need to have a conversation about these gun laws and the mental-health system--and a larger conversation as well about how we stay coherent as a society, how we establish our common bonds and maintain a sense of community in a time when all the technological signals are pointing us toward a relentless, unmitigated individualism that could slowly lapse into social anarchy. I suspect, though, that in the current atmosphere, any reasonable conversation about the logical limits of our freedoms, and where our civic responsibilities should begin, is well beyond the reach of these two candidates and these two parties.

THE VICTIMS.

THE 12 WHO DIED IN THE AURORA MASSACRE

Jessica Ghawi

Ghawi, a 24-year-old aspiring sports journalist, described herself as Southern and sarcastic

Alex Teves

Teves, 24, successfully protected his girlfriend, covering her during the barrage

A.J. Boik

Eighteen-year-old Boik had recently graduated from high school in Aurora

Micayla Medek

Medek's parents told the Los Angeles Times that the 23-year-old had been saving money to travel abroad

Alex Sullivan

Sullivan was attending the film as part of a 27th-birthday celebration days before his first wedding anniversary

Jon Blunk

Blunk, a 26-year-old veteran, saved his girlfriend by shielding her before he was shot

Gordon Cowden

Cowden, 51, was the oldest victim. He took his two teenage children to see the movie

Rebecca Ann Wingo

The 32-year-old mother of two went to the movie with a friend, who survived

Jesse Childress

Injured in the theater, Childress later died in the hospital. The 29-year-old was an Air Force reservist

John Larimer

Larimer, 27, was a Navy cryptologic technician stationed at Aurora's Buckley Air Force Base

Matt McQuinn

McQuinn, 27, was killed while protecting his girlfriend, who was shot in the knee but survived

Veronica Moser Sullivan

Just 6 years old, Veronica was the youngest victim

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